REMARKS/ARGUMENTS

Upon entry of the claim amendments, Claims 15-20, 22-27, and 29-36 will be all the claims pending in the application.

Applicants have added new Claim 36 to depend from Claim 15.

No new matter has been added.

Applicants note with appreciation the Examiner's indication at Section 3 of the previous action, mailed August 19, 2004, the entry of amendments and withdrawal of the rejections.

The present Office Action contains a single rejection. Specifically, Claims 15-27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bader et al (U.S. 5,753,363) in view of Nagai (U.S. 6,106,933) et al for the reasons generally recited in the prior office action and restated therein.

As an initial matter, Applicants would like to thank the Examiner for the remarks in support of the rejection presented at pages 2-4 of the Office Action. It is believed that the detailed discussion therein helps crystallize the outstanding issues.

Referring to the comments under the heading "Claim Rejections," at Section 4 (page 2) of the previous Office Action, Applicants present the following response.

In particular, Applicants request reconsideration of this §103 rejection, on the basis that the claimed invention is nonobvious because (1) layer thickness cannot in all circumstances be determined merely by routine experimentation, and (2) the functional and compositional relationship between skin thickness and core thickness is not inferentially predictable across wide ranges of relative thicknesses. Applicants respectfully disagree with the Examiner's contention that one skilled in the art can merely use routine experimentation to arrive at a thickness that provides the desired performance properties. Applicants respectfully contend that Bader ('363) and Nagai ('933) both teach the use of relatively thin skins as compared to the present invention and in fact both expressly teach away from the use of skins of the type used in the present invention.

The Examiner states that Bader ('363) et al do not specifically teach the . . . thickness of the layers as instantly claimed . . .Although no layer thickness limitations are claimed in Bader, Bader teaches in column 5, lines 16-18, that the "[c]ore layer (b) will usually represent from about 70 to about 95 percent of the thickness of the overall film laminate," and in column 5, lines 26-28, that "[e]ach of the skin layers (a) and (c) can comprise, for example, approximately 6.0% of the total thickness of the laminate." Further, Nagai ('933) teaches in column 5, lines 20-27, that "[i]t is preferable that the thickness of the surface layer is 0.2 to 2 μm" and that an upper limit on thickness is 2 μm. As exemplified by Nagai's statement in column 5, lines 24-27 related to problems with thicker skins, it is known in the art that thicker sealable skins may, by the very nature of their relatively lower melting temperature, create operational, processing and appearance concerns. Increasing sealant-skin thickness may generally impact negatively upon manufacturability and machinability. It takes more than mere routine experimentation and additional resin to produce an operationally acceptable and commercially useful film with a thicker skin. One skilled in the art would expect relatively thick skins in a sealable film to potentially result in a film with undesirable operational problems, even in the presence of most anti-block and slip-enhancing agents. Although seemingly innocuous to increase a layer thickness, changing such property in a film, particularly in an outer layer, can have substantial impact upon overall performance and processability of the film.

An advantage of the film of the present invention over films such as taught by Bader and Nagai is improved hermetic-sealing in the corners, creases and seal-edges of the seal-area portions of a sealed package. Applicants claim a film comprising skins that are generally thicker as a percentage of overall film thickness than the skins taught in either Bader or Nagai. To further clarify this feature of Applicant's invention, Applicants have amended the independent claims to include the additional limitation that the core layer only comprises 20 to 60 weight percent of the total weight of the multilayer film. (This limitation is supported by page 5, lines 24-27 of the substitute specification.) Thereby, the skins of the present invention collectively comprise from 40 to 80 percent of the overall weight of the film.

Also, Applicant's claims include PMMA as the preferred slip-enhancing additive. Nagai is silent as to any particular benefit of PMMA versus any other slip-enhancing agent and anti-blocking agent in a film with a relatively thick skin. Nagai merely provides a list of lubricating agents, one of which happens to be PMMA that may be useful in certain films having relatively thin skins. However, there is no motivation in Nagai to add PMMA to the relatively thick-skinned film of the present invention.

Further, although Nagai may suggest using particles sized in a range of 0.7 to 2 times the thickness of the surface layer, the suitability for such limitation in the relatively thin-skinned film of Nagai does not provide a reasonable expectation of success for using particles of the same size ratio in a much thicker skin, due at least in part to the operability differences between the two types of films. Absent a clear and particular teaching in Nagai to use such size particles in a thicker skinned film, it could at best only have been obvious to use such size particles in a film such as taught by Bader.

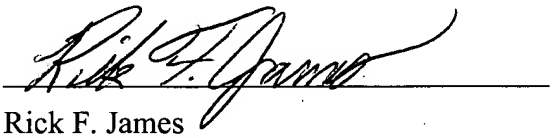
Even if there were some motivation in Nagai to combine one of the lubricating agents of Nagai with the film taught by Bader, the resulting film would still be compositionally and operationally distinct from the film of the present invention and likely unsuitable to provide the combination of improved hermeticity without decreased operational effectiveness, as provided by the film of the present invention.

For the foregoing reasons, Applicants respectfully request that the Examiner reconsider and withdraw the §103 rejection.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: December 15, 2004



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